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**SUBSTITUTE HOUSE BILL 1243**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Transportation Policy & Budget (originally sponsored by Representatives K. Schmidt, Hatfield, Skinner, Scott, Zellinsky, Fisher, O'Brien, Mitchell, Wood, Delvin, Smith, Robertson, Sterk, DeBolt, Radcliff, McMorris, Backlund, Cairnes, Mastin, Boldt, Ogden, L. Thomas, Hankins, Wensman, Johnson and Benson)

Read first time 02/25/97.

1 AN ACT Relating to driver's license and identicard security;  
2 amending RCW 46.20.091, 46.20.117, 46.20.118, 46.20.161, and 46.20.181;  
3 adding new sections to chapter 46.20 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that while the  
6 driver's license was designed to be merely a declaration of the  
7 privilege to operate a motor vehicle, now drivers' licenses and  
8 identicards issued by the department of licensing are the most widely  
9 accepted forms of personal identification used by Washington residents.  
10 There is an increasing use of false drivers' licenses and identicards  
11 to purchase liquor, to cash bad checks, and to obtain food stamps and  
12 other benefits, often at the expense of law-abiding residents. In  
13 recognition of these losses that are borne by taxpayers, businesses,  
14 and government, Congress has recently directed the states to produce  
15 more counterfeit-resistant drivers' licenses. In keeping with the  
16 congressional directive, the Washington state legislature commissioned  
17 a feasibility study to identify technologies to improve the security of  
18 the Washington state driver's license and identicard. It is the  
19 purpose of this act to require effective means of rendering drivers'

1 licenses and identicards as immune as possible from alteration and  
2 counterfeiting in order to promote the public health and safety of the  
3 people of this state.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW  
5 to read as follows:

6 In accordance with the recommendations issued in the feasibility  
7 study of driver's license technologies, as required by chapter 287,  
8 Laws of 1996, by February 1, 1998, the department shall enter into a  
9 contract for the procurement of a new state driver's license and  
10 identicard. Under the study recommendations, the contract shall, at a  
11 minimum, provide for incorporation of the following features:

12 (1) A central issuance system. A central issuance system requires  
13 issuance of permanent licenses and identicards from one central, secure  
14 location. Upon verification of eligibility, the license or identicard  
15 will be mailed to the resident.

16 (2) A digital imaging system. A digital imaging system permits a  
17 person's photograph and signature to be stored and displayed by  
18 computer, which allows for improved file management, flexibility,  
19 responsiveness, and fraud protection.

20 (3) Machine-readable technologies, including a one-dimensional bar  
21 code, two-dimensional bar code, and a magnetic stripe. The primary  
22 purpose of these machine-readable technologies is to provide for rapid  
23 and accurate verification that the license or identicard is genuine.  
24 Through encryption, both the magnetic stripe and two-dimensional bar  
25 code offer additional levels of security against alteration and  
26 counterfeiting.

27 (4) A voluntary electronic finger image identification system. The  
28 system will be designed to compare finger scans with the data base to  
29 prevent the issuance of multiple licenses or cards to the same person.  
30 A one-to-many finger image search, to determine if an applicant is  
31 enrolled in the system under a different name, should be conducted of  
32 each resident applying for an original license or identicard.  
33 Additionally, a one-to-many image search should be employed for  
34 renewals or duplicates during the first four years of the system.  
35 After the initial four-year implementation of the system, a one-to-one  
36 finger image search, matching the present finger scan to the image that  
37 was captured when that person was enrolled in the system, should be  
38 conducted of each resident applying for a renewal or duplicate license

1 or identicard. However, if an applicant declines to submit a finger  
2 image, the department shall issue a license or identicard that is  
3 clearly differentiated from a standard issue license or identicard.

4 (5) A fusion optical variable device that is not readily available  
5 to the general public. The image or color change of an optical  
6 variable device helps to prevent fraudulent duplication because  
7 attempts at alteration are apparent by distortion or destruction of the  
8 license or identicard. Furthermore, the optical variable device  
9 prevents the license or identicard from being accurately copied by  
10 color photography or a color copier.

11 (6) A second picture of the card holder printed on the license or  
12 identicard in ultraviolet ink. Digital printing enables the  
13 applicant's ultraviolet picture to be added to the license or  
14 identicard at the time of issuance for presentation of information that  
15 is uniquely tied to the card holder.

16 **Sec. 3.** RCW 46.20.091 and 1996 c 287 s 5 are each amended to read  
17 as follows:

18 (1) Every application for an instruction permit or for an original  
19 driver's license shall be made upon a form prescribed and furnished by  
20 the department which shall be sworn to and signed by the applicant  
21 before a person authorized to administer oaths. An applicant making a  
22 false statement under this subsection is guilty of false swearing, a  
23 gross misdemeanor, under RCW 9A.72.040. Every application for an  
24 instruction permit containing a photograph shall be accompanied by a  
25 fee of five dollars. The department shall forthwith transmit the fees  
26 collected for instruction permits and temporary drivers' permits to the  
27 state treasurer.

28 (2) Every such application shall state the full name, date of  
29 birth, sex, and Washington residence address of the applicant, and  
30 briefly describe the applicant, and shall state whether the applicant  
31 has theretofore been licensed as a driver or chauffeur, and, if so,  
32 when and by what state or country, and whether any such license has  
33 ever been suspended or revoked, or whether an application has ever been  
34 refused, and, if so, the date of and reason for such suspension,  
35 revocation, or refusal, and shall state such additional information as  
36 the department shall require, including a statement that identifying  
37 documentation presented by the applicant is valid.

1 (3) Whenever application is received from a person previously  
2 licensed in another jurisdiction, the department shall request a copy  
3 of such driver's record from such other jurisdiction. When received,  
4 the driving record shall become a part of the driver's record in this  
5 state.

6 (4) Whenever the department receives request for a driving record  
7 from another licensing jurisdiction, the record shall be forwarded  
8 without charge if the other licensing jurisdiction extends the same  
9 privilege to the state of Washington. Otherwise there shall be a  
10 reasonable charge for transmittal of the record, the amount to be fixed  
11 by the director of the department.

12 (5) The department may request that an applicant submit an  
13 electronic finger scan as provided in section 2 of this act. If the  
14 applicant declines to submit a finger scan, the department shall issue  
15 a license that is clearly differentiated from a standard issue license.

16 **Sec. 4.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read  
17 as follows:

18 (1) The department shall issue "identicards," containing a picture,  
19 to nondrivers for a fee of (~~four~~) ten dollars. However, the fee  
20 shall be the actual cost of production to recipients of continuing  
21 public assistance grants under Title 74 RCW who are referred in writing  
22 to the department by the secretary of social and health services. The  
23 fee shall be deposited in the highway safety fund. To be eligible,  
24 each applicant shall produce evidence as required in RCW 46.20.035 that  
25 positively proves identity. The department may request that an  
26 applicant submit to an electronic finger scan as provided in section 2  
27 of this act. If an applicant declines to submit a finger scan, the  
28 department shall issue an "identicard" that is clearly differentiated  
29 from a standard issue "identicard." The "identicard" shall be  
30 distinctly designed so that it will not be confused with the official  
31 driver's license. The identicard shall expire on the fifth anniversary  
32 of the applicant's birthdate after issuance.

33 (2) The department may cancel an "identicard" upon a showing by its  
34 records or other evidence that the holder of such "identicard" has  
35 committed a violation relating to "identicards" defined in RCW  
36 46.20.336.

1       **Sec. 5.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read  
2 as follows:

3       (1) The department shall maintain a negative file. It shall  
4 contain negatives of all pictures taken by the department of licensing  
5 as authorized by RCW 46.20.070 through 46.20.119.

6       (2) The department shall maintain a finger image data base  
7 consisting of all finger images obtained by the department for use in  
8 issuing drivers' licenses and identicards.

9       (3) Negatives ((in the file shall)) and the finger image data base  
10 are not ((be)) available for public inspection and copying under  
11 chapter 42.17 RCW.

12       The department may make the ((file)) negatives available to  
13 official governmental enforcement agencies to assist in the  
14 investigation by the agencies of suspected criminal activity. The  
15 department may also provide a print to the driver's next of kin in the  
16 event the driver is deceased. The department shall not disclose finger  
17 image data, except as provided in section 6 of this act.

18       NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW  
19 to read as follows:

20       (1) The department shall allow fingerprints found at a crime scene  
21 to be compared to the department's finger image data base when an  
22 official government enforcement agency receives a court order directing  
23 the comparison. A court may grant such an order if it finds that there  
24 is probable cause to believe that the location of the fingerprint at  
25 the crime scene would suggest that the fingerprint could belong to the  
26 person who committed the crime.

27       (2) A court may also grant such an order if it finds that there is  
28 probable cause to believe access to the finger image data base will  
29 assist an official government enforcement agency in identifying a  
30 missing, incapacitated, or deceased person.

31       **Sec. 7.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read  
32 as follows:

33       The department, upon receipt of a fee of ((fourteen)) twenty-two  
34 dollars, which includes the fee for the required photograph, shall  
35 issue to every applicant qualifying therefor a driver's license, which  
36 license shall bear thereon a distinguishing number assigned to the  
37 licensee, the full name, date of birth, Washington residence address,

1 and a brief description of the licensee, and either a facsimile of the  
2 signature of the licensee or a space upon which the licensee shall  
3 write his usual signature with pen and ink immediately upon receipt of  
4 the license. No license is valid until it has been so signed by the  
5 licensee.

6 **Sec. 8.** RCW 46.20.181 and 1990 c 250 s 41 are each amended to read  
7 as follows:

8 Every driver's license expires on the fourth anniversary of the  
9 licensee's birthdate following the issuance of the license. Every such  
10 license is renewable on or before its expiration upon application  
11 prescribed by the department and the payment of a fee of (~~fourteen~~)  
12 twenty-two dollars. This fee includes the fee for the required  
13 photograph.

14 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.20 RCW  
15 to read as follows:

16 (1) Federal legislation to improve identification-related  
17 documents, including state-issued drivers' licenses, which becomes  
18 effective in 2000, requires each state to place drivers' social  
19 security numbers on the face of their licenses, or to complete a social  
20 security verification process. The legislature realizes that the  
21 potential for mass distribution of social security numbers is a concern  
22 to many Washington state residents. Since Washington state will  
23 develop a more secure mechanism for protecting against fraudulent  
24 drivers' licenses than is offered by the social security requirement  
25 enacted by Congress, the governor, through the department, shall seek  
26 a waiver to this federal requirement for those Washington state  
27 residents who have submitted an electronic finger scan as provided in  
28 section 2 of this act.

29 (2) If Congress provides Washington state the waiver requested in  
30 subsection (1) of this section, the department shall not require the  
31 social security numbers of applicants who have submitted an electronic  
32 finger scan as provided in section 2 of this act.

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